

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

VIETNAM VETERANS OF AMERICA, et
al.,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, et al.,

Defendants.

Case No. 17-cv-730-LJV

June 1, 2018

JOINT STATUS REPORT

All parties, through their respective counsel, hereby submit this Joint Status Report, as required by this Court's Order dated May 3, 2018, ECF No. 21, and by the Court's prior Order Granting Stay of Proceedings, ECF No. 10.

Background

Plaintiffs filed this action on August 1, 2017, seeking declaratory and injunctive relief relating to the Defendants' operation of the Servicemember Civil Relief Act Website ("SCRA Website"). Plaintiff Thomas Barden also sought damages under the Privacy Act and disclosure of certain records pursuant to the Freedom of Information Act.

The parties have been engaged in good faith discussions in an effort to resolve all or part of this matter without need for further litigation. The Court granted a stay of proceedings pending further order of the Court to permit the parties to continue to pursue a potential negotiated resolution of the case. ECF No. 10. That Order required the parties to submit a Joint Status Report to the Court every 30 days that informs the Court about the status of negotiations and whether the parties believe that further negotiations will be productive. *Id.*

The parties submitted their Joint Status Reports in accordance with the orders of this Court. *See* Joint Status Report (Dec. 20, 2017), ECF No. 11; Joint Status Report (Jan. 31, 2018), ECF No. 13; Joint Status Report (Mar. 2, 2018), ECF No. 16; Joint Status Report (Apr. 2, 2018), ECF No. 18; Joint Status Report (May 2, 2018), ECF No. 20. The parties expect to file their next Joint Status Report in 30 days, on Monday July 2, 2018.

Status Report

The parties have continued to engage in productive discussions regarding potential resolution of the case. In particular, the parties continue to pursue a meeting between their respective clients and to discuss various technical concerns and limitations including a new terms of use for the website and other potential measures to control access to the website while maintaining its legitimate uses.

Counsel for the parties plan further settlement discussions next week and expect those discussions to continue to be productive. Accordingly, the parties have agreed to maintain the stay of proceedings for another 30 days in order to permit continued negotiations toward a potential resolution of the case. The parties will submit an updated Joint Status Report on July 2, 2018, unless directed otherwise by the Court.

//

Respectfully Submitted,

/s/ Jonathan Manes
Jonathan Manes, *Supervising Attorney*
Sharon Kahn, *Student Attorney*
Cindy Manuele, *Student Attorney*
Dominick Roa, *Student Attorney*
Civil Liberties and Transparency Clinic
University at Buffalo School of Law
507 O'Brian Hall, North Campus

Buffalo, NY 14260-1100
(716) 645-2167
(716) 645-6199 (Fax)
jmmanes@buffalo.edu

Counsel for Plaintiffs

CHAD A. READLER
Acting Assistant Attorney General

JAMES P. KENNEDY, JR.
United States Attorney

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Andrew E. Carmichael
ANDREW E. CARMICHAEL
JOSEPH E. BORSON
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave, NW
Washington, D.C. 20530
(202) 514-3346
(202) 616-8470 (Fax)
Andrew.e.carmichael@usdoj.gov

Counsel for Defendants

Dated: June 1, 2018